

Notice of a decision to Vary
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/16/0019

Re : Property at 23b Nile Street, Kirkcaldy, Fife KY2 5AX ("the Property")

Land Certificate No: FFE26206

The Parties:-

Zakaullah Raja Begum, residing sometime at 26 Kent Road, Dunfermline, thereafter at 25g Dunnikier Road, Kirkcaldy, Fife KY1 2RU and now at 251 Tideslea Path, Thamesmead, London SE28 0NH("the Landlord") and

Piotr Wozniak, residing at 23b Nile Street, Kirkcaldy, Fife KY2 5AX ("the Tenant")

NOTICE TO
ZAKAULLAH RAJA BEGUM ("the Landlord")

The Private Rented Housing Committee having determined on 27 July 2016 that the **Repairing Standard Enforcement Order** relative to the Property made on 27 April 2016 should be varied, the said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for a period of six weeks following the date of service of this Notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 does apply in this case.

A landlord or a tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Where such an appeal is made, the effect of the variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 27 July 2016 before this witness Valerie Elizabeth Jane Clark, 5 School Brae, Lasswade, Midlothian.

— Valerie Clark _____
witness

— George Clark _____
chairman



Statement of Decision of the Private Rented Housing Committee under Section 25 of the Housing (Scotland) Act 2006

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The Parties:-

Zakaullah Raja Begum, residing sometime at 26 Kent Road, Dunfermline, thereafter at 25g Dunnikier Road, Kirkcaldy, Fife KY1 2RU and now at 251 Tideslea Path, Thamesmead, London SE28 0NH ("the Landlord") and

Piotr Wozniak, residing at 23b Nile Street, Kirkcaldy, Fife KY2 5AX ("the Tenant")

Decision

The Committee, having considered a request from the Landlord to extend the time limit for carrying out the works required by the Repairing Standard Enforcement Order in respect of the Property served on 27 April 2016, determined that the Landlord should be given a further period of 6 weeks from the date of service of the Variation within which to complete the works.

Background

1. By application received on 19 January 2016 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
 - (a) the house is wind and water tight and in all other respects reasonably fit for human habitation,
 - (b) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
 - (c) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order
 - (d) the house has satisfactory provision for detecting fires and for giving warning in the event of a fire or suspected fire, and
 - (e) the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
3. By letter dated 15 March 2016 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant.

5. The Private Rented Housing Committee inspected the Property on the morning of 27 April 2016. The Tenant was present at the inspection. The Landlord was not present or represented during the inspection.
6. The Committee comprised George Clark (chairman) and David Lawrie (surveyor member).
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Linktown Community Action Centre, Ramsay Road, Kirkcaldy KY1 1UH.
8. Following the hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property. The Order required the Landlord:
 - To install in the Property interlinked, mains-wired smoke detectors and in the hallway and living room and a heat alarm in the kitchen, all of which comply with the revised Domestic Technical Handbook and the Scottish Government's guidance on the requirements for smoke alarms.
 - To install one or more carbon monoxide detectors in the Property to comply with the Scottish Government's Guidance for the Provision of Carbon Monoxide Alarms in Private Rented Housing, which came into effect on 1 December 2015.
 - To carry out such repairs to the roof, including the slatework, defective rones and associated flashings as are necessary to make the Property wind and water tight.
 - To instruct a suitably qualified electrician to replace the cooker extraction hood in the kitchen or to carry out such repairs to the existing extraction hood as are necessary to restore it to proper working order.
 - To instruct a suitably qualified Gas Safe engineer to carry out such repairs to the gas fire in the living room as are necessary to restore it to proper and safe working order or to disconnect it.
 - To carry out such work as is necessary to repair the leak from the pressure valve adjacent to the boiler.
 - To exhibit to the Committee a current Gas Safety Certificate in respect of the Property, including the boiler and the gas fire.

The Private Rented Housing Committee ordered that the works specified in the Order must be carried out and completed within the period of 4 weeks from the date of service of Notice of the Order.

9. The surveyor member of the Committee reinspected the Property on 22 June 2016. He reported that none of the work required by the Repairing Standard Enforcement Order had been carried out. The Tenant was present at the reinspection and told the surveyor member of the Committee that he was due to move out of the Property on 1 July 2016. The Landlord was not present or represented at the reinspection.
10. On 21 June 2016 (the day prior to the reinspection), the Landlord telephoned and e-mailed the Private Rented Housing Panel, passing on his present address and stating that he was happy to carry out any works. In a reply to this e-mail, the Private Rented Housing Panel advised the Landlord that the Notice of the Order, addressed to the Landlord at 25g Dunnikier Road, Kirkcaldy, had been returned undelivered by Royal Mail and confirmed that it would now be sent on to the Landlord at his present address. The Landlord, in an e-mail dated 12 July 2016, confirmed his intention to carry out all the

works required by the Repairing Standard Enforcement Order, but requested an extension of 6 weeks for completion of the works.

Issue to be Determined

11. The Issue to be determined was whether the Landlord should be given additional time to carry out the works required by the Repairing Standard Enforcement Order.

Reasons for the decision

12. The Committee was concerned to ensure that the work required by the Repairing Standard Enforcement Order was carried out, but it appeared that the Landlord had not received Notice of the Order, as it had been returned by Royal Mail and the Private Rented Housing Panel had only become aware of the Landlord's current address from his e-mail of 21 June 2016. The Tenant had stated that he was vacating the Property on 1 July 2016 and the Committee was of the view that, in the circumstances, there was no prejudice to the Tenant if the extension requested by the Landlord was granted.
13. The Committee accordingly determined that the Landlord should be granted a further period of 6 weeks within which to complete the works required by the Repairing Standard Enforcement Order.
14. The Committee proceeded to make a Variation of the Repairing Standard Enforcement Order in terms of Section 25 of the Act.
15. The decision of the Committee was unanimous.

Right of Appeal

16. **A landlord or tenant aggrieved by the decision of the Private Rented Housing committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.**

Effect of section 63

17. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

George Clark

Signed...

Chairperson Date: 27 July 2016